

BEFORE THE
POSTAL REGULATORY COMMISSION

ANNUAL COMPLIANCE REVIEW, 2015

:
: Docket No. ACR2015
:

UNITED PARCEL SERVICE, INC.'S NOTICE REGARDING
SECOND MOTION FOR ACCESS

January 21, 2016

On January 19, 2016, the Postal Service filed an opposition to United Parcel Service, Inc.'s ("UPS") second motion for access to a selection of non-public library references. UPS has conferred with the Postal Service to resolve its objection, and the parties have reached an agreement.

To resolve this dispute, UPS will withdraw its pending request for access to the following library references: NP2, NP5, NP6, NP9, NP14, and NP22.¹ The only file that UPS currently seeks access to, under the stringent protective conditions to which it has agreed, is NP13.

The Postal Service consents to this request. The Postal Service has also confirmed that Canada Post does not object to this request. The anonymous Counterparty cited in the Postal Service's response has been informed of this narrowed request, and UPS understands it is still considering its position. Notably, that

¹ UPS withdraws this request without prejudice to renewing the request, at a later time, if it becomes necessary to access data within those library references.

Counterparty had indicated its assent to the protective conditions to which UPS's outside counsel and consultants have agreed.²

Accordingly, UPS respectfully requests that the Commission grants its outside counsel and consultants access to NP13.

Respectfully submitted,

UNITED PARCEL SERVICE, INC.,

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² See Postal Service Response, Attachment 1 at 2 (seeking “additional assurances” if access were granted, including: limiting access to UPS’s outside counsel and consultants; precluding UPS’s outside counsel and consultants from publicly citing or sharing the data, including with any UPS employee or agent; and limiting the use of this data by UPS’s outside counsel and consultants only to Commission proceedings). UPS’s outside counsel and consultants have already agreed to these limitations by signing the Commission’s protective order. See 39 C.F.R. Part 3007, Appendix A.